

ment as adopted by the House of Representatives engrossed rider," was lost, and it was spread on the journal.

On motion of Senator Imboden, Journal Clerk W. B. O'Quinn was excused for non-attendance on yesterday on account of sickness in his family.

Senator Greer moved that, as today is a legal holiday (anniversary of Texas independence), the Senate adjourn until to-morrow at 10 o'clock a.m.

Carried by the following vote:

YEAS—15.

Agnew,	Hutchison,
Boren,	Imboden,
Bowser,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Tips,
Goss,	Whitaker.
Greer,	

NAYS—13.

Baldwin,	McKinney,
Browning,	Smith,
Cranford,	Steele,
Douglass,	Swayne,
Jester,	Woods,
Kearby,	Yoakum.
Lawhon,	

ABSENT—3.

Atlee,	McComb.
Lewis,	

FORTY-FIFTH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 3, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

ABSENT—1.

McComb.

Prayer by the chaplain, Dr. Briggs, as follows:

O Lord, our Father, we thank Thee for the New South standing like

a young giant on the threshold of an opening future, more wonderful than anything of which our fathers ever dreamed. Fulfill every hope of the present. May the great future dawn safe and sure, but forbid that it should be at the cost of any real star that flashed in our ancestral crown. May we cling with a grasp that cannot be broken to the elements that made that old civilization, barring the curse of slavery, matchless in the history of the world—its splendid courage, its abundant hospitality, its knightly courtesy toward women, its devotion to principle, its constant sense of the superiority of the moral over the material. May these remain us as long as the magnolia blooms, or the Mississippi flows, or the Southern cross stands sentinel over our tropic border. And to Thy name be praise and honor now and always. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Steele, the reading of the same was suspended.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 3, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 190, entitled "An act to authorize and provide for holding of special terms of the district courts in the Twenty-sixth judicial district,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass, but that the accompanying committee substitute *do* pass in lieu thereof.

ATLEE, Chairman.

A bill to be entitled "An act to provide for the holding of special terms of the district courts."

Section 1. Be it enacted by the Legislature of the State of Texas, That the judge of each judicial district in this State shall have power to hold such special terms of the district courts in his district as may appear to him to be required to subserve the public interest, and to this end each of said judges shall have power, either in term time or in vacation, to order special terms of court in any county in his district for the trial of civil cases alone, or for the trial of both civil and criminal cases; provided, that no grand jury shall be impaneled at any special term of court.

Sec. 2. That the order of the judge ordering a special term shall state

whether the same is called for the trial of civil cases alone or for the trial of both civil and criminal cases, the time when the special term shall commence, and during what time the same will be held, and the time during such special term when non-jury civil cases, jury civil cases and criminal cases (if criminal cases are to be tried at said term) will be respectively call for trial and given precedence in the trial of causes at said special term.

Sec. 3. That the clerk of such court on the receipt of such order, shall immediately enter the same at large upon the minutes of said court; shall make and place in hands of the sheriff of said county eight certified copies of said order as the same appears of record in the minutes of said court; whereupon the sheriff of said county shall give notice of such order by posting a copy of the same in six public places in said county, one of which shall be at the court house door of such county, for not less than twenty days prior to the time fixed in said order for the commencement of said special term, and shall cause one of said copies to be printed once a week for three weeks in some newspaper in said county prior to the commencement of said special term, if there be a newspaper printed in said county, as often as once a week, for three weeks prior to the time fixed by said order for the commencement of said special term; and said sheriff shall endorse on the eighth copy of his return showing how he has complied with this act in giving notice of such order, and file the same with the clerk of said court by 9 o'clock a. m. on the day in which said special term is to begin, and said copy and the return thereon shall be entered at large on the minutes of said court; provided, that when a special term shall be ordered at a regular term to begin in the county in which such regular term is being held on the first Monday after the close of such regular term it shall be sufficient to give ten days notice of such order by announcement of the same in open court and by posting such notices for ten days prior to the beginning of such special term and by causing a copy of such order to be printed in one issue of a newspaper published in such county, if there be a newspaper published therein.

Sec. 4. That so many of the jurors selected by the jury commissioners for the next regular term to be held after a special term is ordered as may be required for such special term shall be

summoned as juror for such special term, and the clerk of the court, on receiving the order for special term, shall open the jury lists of jurors selected for such next regular term, taking them in the numerical order of the number of the weeks of the next regular term for which they were selected, until he shall have opened as many lists as there shall be weeks of special term, during which jurors will be required as shown by the order of the judge; and the clerk and the sheriff shall further proceed to obtain the attendance of such jurors as is required by law to obtain the attendance of jurors at regular terms after jury lists are opened.

Sec. 5. During a special term jury commissioners shall be appointed and jurors shall be selected to take the place in the next regular term of such jurors selected for the next regular term as may have been required for the special term.

Sec. 6. All process which may have been issued prior to any special term and all services of the same shall have the same effect at such special term as the same would have had at the next succeeding regular term, if such special term had not been held, and all process issued after such special term may be ordered which may be made returnable to such special term shall have the same force and effect that the same would have had if issued for and made returnable to any special term, and all proceedings had at any special term shall be of the same force and effect and subject to the same rules as if the same had occurred at a regular term, but no suits shall be brought to any special term.

Sec. 7. That an act entitled "An act to provide for the holding of special terms of the district courts, when and where the same may be necessary," approved March 22, 1879, be and the same is hereby repealed.

Sec. 8. That the fact that there are pending in the district courts of this State a large number of cases which it has not been possible to try at regular terms, and the fact that there is no adequate law authorizing the calling of special terms of district courts, creates an imperative public necessity and an emergency which authorizes the suspension of the rules requiring bills to be read on three several days and requiring that this act take effect from and after its passage, and said rule is hereby suspended and it is enacted that this act shall take effect from and after its passage.

COMMITTEE ROOM,
AUSTIN, TEXAS, March 3, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill 243, entitled "An act prescribing how and by whom tickets on railroads shall be sold, and providing for the redemption of tickets and parts of tickets unused, and prescribing penalties for the violation of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

Section 6 in the bill to read "section 7," and section 6 to read as follows: That it shall be the duty of the railway company to stamp conspicuously across the face of every ticket sold by its duly authorized agents in this State a notice to the holder thereof that it is a penal offense for them to sell, barter or transfer said ticket for a consideration.

SWAYNE, Chairman.

MINORITY COMMITTEE REPORT.

COMMITTEE ROOM,
AUSTIN, TEXAS, March 3, 1893.

Hon. M. M. Crane, President of the Senate:

The undersigned, being unable to agree with the majority of your Committee on Internal Improvements in reporting favorably

Senate bill No. 228, entitled "An act to fix and define the liability of palace and sleeping car companies who sell seats, berths and stateroom accommodations in palace and sleeping cars,"

Beg leave to submit for the consideration of the Senate the following minority report:

First. The preamble of the bill does not recite accepted facts.

The system of sleeping car companies and their contracts with railroads have been repeatedly passed on by our supreme courts and courts of last resort in other States, and the supreme court of the United States, and in no instance have the facts, as recited, been found to be true. We deem it dangerous to found an enactment of a general law on a specious recitation of facts, that are not known to be true by the general public.

There is now as between railroads and sleeping car companies a system safe and reliable, that has worked well and conveniently to the traveling public. This system is generally known. To invade it with a law of the nature and purposes of the bill under consideration will, we believe, accomplish nothing but confusion, in-

convenience and hurt to the greater number who seek and take advantage of the sleeping car accommodations.

It is true now and will continue to be true, that railroad companies, when they lease sleeping cars, must have absolute control of the movement of such cars, and the right to say who shall and who shall not acquire the right to occupy them. For it to be otherwise would cripple the whole railway service; besides, if they have not such control, they could not obey the legal obligations resting on them under the separate coach law passed by the Twenty-second Legislature.

There is no exception, no distinction made by this bill, but any person who may have purchased or acquired a ticket for a berth or other compartment in a sleeper, the accommodation must be extended, no matter whether such person be a proper party to ride with others therein or not. A drunken man, a notorious prostitute, a negro, under the provisions of the bill, will have entry into the sleeper if they have acquired a ticket, and their ejection is prohibited, save under penalties and damages. In other words the bill destroys the entire police regulations of the cars. It is not thought that such a condition will be deliberately brought about, because police regulation is known to be necessary. To police the cars the company will be compelled to violate the law. To comply with the law is to abrogate the separate coach law.

It will not be overlooked that the law applies, and can apply only, to travel inside of Texas; inter-state travel is not reached by its terms, because constitutional guarantees and provisions forbid. We deem it a dangerous policy to take foreign cars out of the control of our railroads that are chartered in Texas, and as common carriers under our control and place them in the hands of foreign corporations, which will be the necessary effect of this bill if enacted into a law. It is not possible for the Legislature to make contracts between railroads and sleeping car companies, nor their liabilities be increased beyond the scope of the contracts they make.

Besides, the bill, if passed, could not be operative as against existing contracts between railroads and sleeping car companies that have been necessarily made for long periods of time, because of the large investment of cap-

ital to supply the demands of railroads for sleeping cars. In so far as the bill proposes to hold sleeping and palace car companies liable for breach of their contracts, express or implied, it is needless, as the law now so holds them, the true purpose of the bill being to try to make them liable for contracts they do not make.

Viewed from any standpoint, we believe the measure unnecessary on the one hand, and pernicious on the other, will result in no general good, but absolute harm in every direction.

W. M. IMBODEN,
J. W. DICKSON,
J. M. PRESLER,
For minority.

PETITIONS AND MEMORIALS.

By Senator Hutchison:

Petition of J. H. Coffin and others, colored citizens of Caldwell county, for a branch university at Austin, Texas, for colored youths.

Read and referred to Committee on Education.

BILLS AND RESOLUTIONS.

By Senator Lewis:

A bill to be entitled "An act to amend articles 1471, 1472, 1473 and 1474 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Goss:

A bill to be entitled "An act for the benefit of persons who have purchased State, school, university or asylum lands and resided thereon for three years, and whose files have been canceled and purchases annulled by the Commissioner of the General Land Office on account of conflict with other surveys."

Read first time and referred to Committee on Public Lands.

By Senator Yoakum:

Resolved, That the sergeant-at-arms of the Senate be required to provide a map of the State, showing the different counties in the six supreme judicial districts as proposed by the Senate substitute bill, and said map hung upon the wall with the other maps.

Adopted.

The Chair declared the morning call concluded.

The Chair laid before the Senate, special order for this hour,

Senate bill No. 3, entitled "An act to provide for the establishment of an agricultural and mechanical college in North Texas."

On motion of Senator Agnew, the further consideration of this bill was postponed and made a special order for Monday next after call.

The Chair laid before the Senate,

Substitute Senate bills Nos. 29, 36, 82, 126 and 128, "An act to divide the State of Texas into six supreme judicial districts; to provide for and establish a court of civil appeals in each of said districts; to prescribe the time of holding said courts, and to repeal all laws in conflict with the provisions of this act," on second reading.

The question was on the adoption of substitute offered by Senator Boren.

Senator Boren withdrew his substitute temporarily.

Action then recurred to the amendment offered by Senator Yoakum, to-wit:

Amend by inserting after the word "of," in line 2, and the word "of," in line 3, section 6, the word "dollars."

Senator Imboden offered the following substitute for the pending amendment offered by Senator Yoakum:

Insert "Tyler," in section 6, line 2, after the word "of," and the word "Smith," after the word "of," in line 3, section 6.

Senator Yoakum withdrew his amendment.

Senator Imboden then withdrew his substitute.

Senator Douglass called up the motion of Senator Tips to reconsider the vote by which the substitute offered by himself (Douglass) had been tabled.

The motion to reconsider was lost by the following vote:

YEAS—12.

Atlee,	Jester,
Boren,	Kearby,
Browning,	McKinney,
Dickson,	Steele,
Douglass,	Swayne,
Imboden,	Tips.

NAYS—18.

Agnew,	Lawhon,
Baldwin,	Lewis,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Goss,	Whitaker,
Greer,	Woods,
Hutchison,	Yoakum.

ABSENT—1.

McComb.

Senator Kearby offered the following substitute for the pending bill:

A bill to be entitled "An act to divide the State of Texas into six supreme judicial districts, to provide for and establish a court of civil appeals in each of said districts; to prescribe the time for the holding of said courts, and to repeal all laws in conflict with this act."

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas be and the same is hereby divided into six supreme judicial districts for the purpose of constituting and organizing courts of civil appeals therein respectively.

Sec. 2. That one of the civil courts of appeals shall be held in the First supreme judicial district, in the city of Galveston, in the county of Galveston.

Sec. 3. That one of the civil courts of appeals shall be held in the Second supreme judicial district, in the city of Fort Worth, in the county of Tarrant.

Sec. 4. That one of the civil courts of appeals shall be held in the Third supreme judicial district, in the city of Austin, in the county of Travis.

Sec. 5. That one of the civil courts of appeals shall be held in the Fourth supreme judicial district, in the city of —, in the county of —.

Sec. 6. That one of the civil courts of appeals shall be held in the Fifth supreme judicial district, in the city of —, in the county of —.

Sec. 7. That one of the courts of civil appeals shall be held in the Sixth supreme judicial district, in the city of —, in the county of —.

Sec. 8. The following counties shall compose the First supreme judicial district: Anderson, Houston, Nacogdoches, Shelby, San Augustine, Leon, Madison, Trinity, Angeline, Sabine, Grimes, Walker, San Jacinto, Polk, Tyler, Jasper, Newton, Orange, Hardin, Liberty, Montgomery, Waller, Harris, Fort Bend, Brazoria, Galveston, Chambers, Jefferson, Washington, Austin, Wharton, Matagorda, Fayette, Colorado, Lavaca, Jackson, Calhoun, Gonzales, DeWitt, Goliad, Victoria, Refugio, Aransas, Burleson, and Cameron.

Sec. 9. The following counties shall compose the Second supreme judicial district: Tarrant, Denton, Cooke, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Stephens, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Hardeman, Foard, Knox, Haskell, Jones, Taylor, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Howard, Borden, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Midland, Crane, Ector, Ward,

Reeves, Loving, Winkler, Andrews, Gaines, Terry, Hockley, Lamb, Castro, Dallam, Hartley, Oldham, Deaf Smith, Parmer, Bailey, Cochran, Yoakum and Hood.

Sec. 10. The following counties shall compose the Third supreme judicial district: Travis, Williamson, Bastrop, Caldwell, Hays, Blanco, Burnet, Lampasas, Mills, San Saba, Llano, Gillespie, Mason, McCulloch, Coleman, Runnels, Concho, Menard, Tom Green, Coke, Sterling, Irion, Glasscock and Upton.

Sec. 11. The following counties shall compose the Fourth supreme judicial district: Grayson, Collin, Fannin, Hunt, Lamar, Delta, Hopkins, Red River, Franklin, Titus, Bowie, Morris, Cass, Van Zandt, Rains, Wood, Camp, Upshur, Marion, Harrison, Gregg, Smith, Rusk, Cherokee, Henderson and Panola.

Sec. 12. The following counties shall compose the Fifth supreme judicial district: Bell, Falls, Limestone, McLennan, Freestone, Robertson, Milam, Brazos, Burleson, Lee, Coryell, Navarro, Ellis, Johnson, Hill, Bosque, Somervell, Erath, Comanche, Hamilton, Brown, Rockwall, Kaufman, Dallas and Eastland.

Sec. 13. The following counties shall compose the Sixth supreme judicial district: Bexar, Wilson, Guadalupe, Karnes, Bee, San Patricio, Nueces, Live Oak, McMullen, Duval, LaSalle, Encinal, Dimmitt, Webb, Hidalgo, Starr, Zapata, Maverick, Zavala, Frio, Atascosa, Medina, Banderas, Kendall, Kerr, Uvalde, Kinney, Val Verde, Edwards, Kimble, Sutton, Schleicher, Crockett, Pecos, Buechel, Foley, Brewster, Presidio, Jeff Davis and El Paso.

Sec. 14. The terms of said courts shall begin on the first Monday in October of each year, and may continue until the first Monday in July of each succeeding year.

Sec. 15. Whenever the number of cases on the docket of any court of civil appeals shall have accumulated to an extent greater than can be disposed of in a reasonable time, the supreme court shall upon the application of the chief justice of the court where such accumulation exists have power to order a sufficient number of such cases transferred to any one or more of the other courts of civil appeals whose dockets are not so crowded.

Sec. 16. The courts of civil appeals, as now organized, shall, upon the organization of the new courts herein provided for transfer to each of said courts respectively all cases appealed from counties within the re-

spective districts of said new courts in the same manner and way in which cases were transferred to said courts from the supreme court under the provisions of section 4 of the act of April 13, 1892.

Sec. 17. That the present judges of the courts of civil appeals as now constituted, shall continue in office until the expiration of their respective terms; provided, that when the county of the residence of any of said judges is placed in a new and different district by the provisions of this act, such judge is hereby transferred to the court of such newly created district, and may hold and occupy the same position in such new court as he holds in the court as it now exists.

Sec. 18. The Governor of Texas is hereby authorized and empowered to fill all vacancies that may exist in said new districts by appointment of legally qualified citizens of this State and of the district for which they are appointed, who shall hold their offices until the next general election.

Sec. 19. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 20. The present crowded condition of the dockets of the existing courts of civil appeals creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

Senator Jester moved to postpone further consideration of the bill and substitute until 3 p. m. to-day, in order that the maps, etc., could be placed before the Senate for information.

Lost.

Senator Smith offered the following resolution:

Resolved, That it is the sense of the Senate that not more than two additional supreme judicial districts should be created at the present session of the Legislature.

Senator Lewis made the point of order that the resolution was out of order, for the reason that it conflicted with the pending bill.

The Chair announced that if the Senator insisted the point of order would be sustained.

Senator Smith then moved to suspend pending business and consider his resolution.

Carried.

By Senator Atlee:

Strike out "two" and insert "three," so as to provide for not exceeding three additional courts.

By Senator Cranford:

Substitute the resolution and amendment as follows:

Resolved, That it is the sense of the Senate that there should be created three additional supreme judicial districts.

Pending further action, the Chair gave notice of signing and did sign,

Senate bill No. 129, being "An act to amend the act creating the Thirty-fourth judicial district, and fixing the time for holding the terms of court therein, and all acts amendatory thereof, and to repeal all laws and parts of laws in conflict with this act," after the caption of the same had been read.

On motion of Senator Kearby, Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

ABSENT—1.

Boren, McComb.

Action recurred to the substitute offered by Senator Cranford for the resolution offered by Senator Smith and the amendment to same by Senator Atlee.

The substitute was adopted by the following vote:

YEAS—17.

Agnew,	Imboden,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	Presler,

Cranford,
Crowley,
Dean,
Greer,
Hutchison,

Shelburne,
Simpson,
Woods,
Yoakum.

NAYS—11.

Browning,
Dickson,
Douglass,
Goss,
Jester,
Kearby,

Smith,
Steele,
Swayne,
Tips,
Whitaker.

ABSENT—3.

Boren,
McComb,

McKinney.

Senator Imboden moved to reconsider the vote adopting the substitute, and also moved a call of the Senate, which was duly seconded.

Roll called, the following Senators answering to their names:

PRESENT—29.

Agnew,
Atlee,
Baldwin,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,
Jester,

Kearby,
Lawhon,
Lewis,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Woods,
Yoakum.

ABSENT—2.

Boren,

McComb.

Senator Baldwin moved to excuse the absentees.

Pending roll call Senator Boren appeared and desired to be marked present and it was so done.

Absentees were then excused by the following vote:

YEAS—30.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Woods,
Yoakum.

NAYS—none.

ABSENT—1.

McComb.

Senator Baldwin then moved to lay the motion to reconsider the vote adopting the Cranford substitute on the table.

Tabled by the following vote:

YEAS—19.

Agnew,
Atlee,
Baldwin,
Bowser,
Cranford,
Crowley,
Dean,
Greer,
Hutchison,
Jester,

Lawhon,
Lewis,
McKinney,
Presler,
Shelburne,
Simpson,
Steele,
Woods,
Yoakum.

NAYS—11.

Boren,
Browning,
Dickson,
Douglass,
Goss,
Imboden,

Kearby,
Smith,
Swayne,
Tips,
Whitaker.

ABSENT—1.

McComb.

The resolution and amendment as substituted was then adopted by the following vote:

YEAS—16.

Agnew,
Atlee,
Baldwin,
Bowser,
Cranford,
Crowley,
Dean,
Greer,

Hutchison,
Lawhon,
Lewis,
Presler,
Shelburne,
Simpson,
Woods,
Yoakum.

NAYS—14.

Boren,
Browning,
Dickson,
Douglass,
Goss,
Imboden,
Jester,

Kearby,
McKinney,
Smith,
Steele,
Swayne,
Tips,
Whitaker.

ABSENT—1.

McComb.

Action then recurred to Senator Kearby's substitute for the bill.

Lost by the following vote:

YEAS—12.

Boren,
Browning,
Dickson,
Douglass,
Imboden,
Jester,

Kearby,
McKinney,
Smith,
Steele,
Swayne,
Whitaker.

NAYS—18.

Agnew,
Atlee,

Hutchison,
Lawhon,

Baldwin,	Lewis,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Tips,
Goss,	Woods,
Greer,	Yoakum.

ABSENT—1.

McComb.

By Senator Presler:

Amend by changing San Saba county from the Sixth to the Third supreme judicial district by striking out the words "San Saba," in lines 10 and 11 of section 13, and inserting the words "San Saba," in line 5 of section 10.

Adopted.

By Senator Steele:

Amend section 8, line 8, by striking out the word "Freestone," and insert in line 4, section 12, after the word "Franklin," the word "Freestone."

Adopted.

By Senator Dean:

Amend by taking the counties of El Paso and Jeff Davis out of the Sixth district and place the same in the Fourth district.

Adopted.

By Senator Bowser:

Amend by striking out Johnson county from the Fourth supreme judicial district and adding the same to the Fifth supreme judicial district.

Senator Douglass offered the following substitute:

Amend by transferring Johnson county from the Third judicial district to the Fifth district.

Adopted.

The amendment as substituted was adopted.

By Senator Baldwin:

Amend by adding the county of Williamson to section 10.

Adopted.

By Senator Jester:

Amend section 8, lines 8 and 9, by striking out "Navarro" and insert in section 12, line 3, after "Grayson," insert "Navarro."

Adopted.

By Senator Browning:

Amend by changing Bosque county from the Third district to the Second district.

Adopted.

By Senator Atlee:

Strike out "Aransas" in line 3 of section 8, and insert same in section 11, line 7, after the word "Live Oak."

Adopted.

By Senator Goss:

Amend by striking out "Knox" and "King" in section 13, line 3, and in-

serting the words "Knox, King and Foard," in section 9, line 8.

Adopted.

By Senator Swayne:

Amend by striking "Hood" and "Somervell" out of the Third and place the same in the Second district.

Adopted.

By Senator Presler:

Amend by changing Erath county from the Sixth supreme district to the Second by striking out the word "Erath" in line 3 of section 13 of the bill, and inserting the word "Erath" in line 8 of section 9.

Adopted.

By Senator Yoakum:

Amend section 6, line 2, by inserting after the word "of" and after the word "of" in line 3 the word "Dallas."

By Senator Kearby:

Substitute: Amend section 6 by inserting the word "Tyler" in line 2, between the words "of" and "in," and insert the word "Smith" after the word "of" in line 3, section 6.

On motion of Senator Hutchison, the amendment and substitute was laid upon the table subject to call.

By Senator Atlee:

Amend the bill by striking out sec. 15.

Adopted.

By Senator Hutchison:

Amend by transferring Gonzales county from the First Supreme judicial district to the Fourth supreme judicial district.

Adopted.

By Senator Hutchison:

Amend by transferring Blanco county from the Fourth supreme judicial district to the Third supreme judicial district.

Adopted.

By Senator Baldwin:

Amend section 7, line 2, by inserting in blank the word "Abilene;" also in line 3 by inserting in blank the word "Taylor."

By Senator Presler:

Substitute the amendment as follows:

Amend section 7 by the insertion of the word "Brownwood" after the word "of," in line 2 of said section, and of the word "Brown" after the word "of," in line 3 of section 7.

On motion of Senator Kearby, the amendment and substitute were laid on the table subject to call.

By Senator Greer:

Amend section 14, line 2, by striking out "October" and inserting "September."

By Senator Yoakum:

Substitute the amendment as follows:

Amend by substituting "first Monday of May" instead of "September."

Lost.

The amendment was lost.

By Senator Imboden:

Amend section 5, by inserting "San Antonio" in the first blank space and the word "Bexas" in the second blank space.

Adopted.

By Senator Steele:

Amend section 10, line 3, by striking out the word "Limestone," and insert in section 12, line 4, after the word "Hopkins," the word "Limestone."

Adopted.

Senator Baldwin called up from the table his amendment, relating to Abilene, together with the substitute of Senator Presler, relating to Brownwood.

The substitute was lost by the following vote:

YEAS—11.

Atlee,	Jester,
Browning,	Presler,
Crowley,	Smith,
Dickson,	Swayne,
Greer,	Whitaker.
Imboden,	

NAYS—17.

Agnew,	Lewis,
Baldwin,	McKinney,
Cranford,	Shelburne,
Dean,	Simpson,
Douglass,	Steele,
Goss,	Tips,
Hutchison,	Woods,
Kearby,	Yoakum.
Lawhon,	

ABSENT—1.

McComb.

PRESENT, NOT VOTING—2.

Boren, Bowser.

The amendment was then adopted.

Senator Yoakum then called up his amendment, together with the substitute offered by Senator Kearby.

The substitute was lost by the following vote:

YEAS—13.

Boren,	Lawhon,
Bowser,	McKinney,
Crowley,	Simpson,
Dickson,	Smith,
Hutchison,	Swayne,
Imboden,	Tips.
Kearby,	

NAYS—18.

Agnew,	Jester,
Atlee,	Lewis,
Baldwin,	McComb,
Browning,	Presler,

Cranford,	Shelburne,
Dean,	Steele,
Douglass,	Whitaker,
Goss,	Woods,
Greer,	Yoakum.

The amendment was then adopted.

By Senator Douglass:

Amend by transferring Hill county from the Third to the Fifth judicial district.

Adopted.

By consent the following bills were introduced:

By Senator Imboden:

A bill to be entitled "An act to define bastardy, and to prescribe the punishment therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Dickson:

A bill to be entitled "An act to make the constables of the various beats in counties where hogs, sheep and goats are prohibited from running at large to act as ex-officio pound keepers."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dean:

A bill to be entitled "An act to encourage irrigation and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stock raising in the arid districts of Texas," approved March 19, 1889, so as to extend the time within which to file and have recorded the sworn statement provided for in said section No. 5 of said act, and give to such owners of such ditches, canals, flumes, reservoirs and wells for irrigation a preference lien for the use of the water from such ditches, etc., under a lease or rental contract.

Read first time and referred to Committee on Mining and Irrigation.

Pending further action, Senator Goss offered the following substitute for Senate substitute bill under consideration:

A bill to be entitled "An act to divide the State of Texas into five supreme judicial districts, to provide for and establish a court of civil appeals in each of said districts, to prescribe the time of holding said courts, and to repeal all laws in conflict with the provisions of this act."

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas be and the same is hereby divided into five supreme judicial districts, for the purpose of constituting and organizing

courts of civil appeals therein respectively.

Sec. 2. That one of the courts of civil appeals shall be held in the First supreme judicial district, in the city of Galveston, in the county of Galveston.

Sec. 3. That one of the courts of civil appeals shall be held in the Second supreme judicial district in the city of Fort Worth, in the county of Tarrant.

Sec. 4. That one of the courts of civil appeals shall be held in the Third supreme judicial district in the city of Austin, in the county of Travis.

Sec. 5. That one of the courts of civil appeals shall be held in the Fifth supreme judicial district in the city of Waco, in the county of McLennan.

Sec. 6. That one of the courts of civil appeals shall be held in the Fourth supreme judicial district in the city of Dallas, in the county of Dallas.

Sec. 7. That the following counties shall compose the First judicial district: Harrison, Panola, Rusk, Gregg, Shelby, Tyler, Nacogdoches, Cherokee, Anderson, Houston, Angelina, San Augustine, Sabine, Newton, Jasper, Orange, Jefferson, Hardin, Polk, Trinity, Leon, Walker, Madison, San Jacinto, Liberty, Chambers, Harris, Montgomery, Grimes, Waller, Washington, Austin, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Fayette, Jackson, Lavaca, Gonzales, De Witt, Victoria, Calhoun, Refugio, Aransas, Goliad, Karnes, Wilson, Guadalupe, Bexar, Atascosa, Live Oak, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr and Galveston.

Sec. 8. That the following counties shall compose the Second supreme judicial district: Tarrant, Parker, Hood, Palo Pinto, Wise, Jack, Montague, Clay, Wichita, Archer, Young, Throckmorton, Baylor, Wilbarger, Hardeman, Knox, Haskell, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Howard, Borden, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Ector, Winkler, Ward, Loving, Reeves, Andrews, Gaines, Terry, Yoakum, Hockley, Cochran, Bailey, Lamb, Castro, Parmer, Deaf Smith, Oldham, Hartley, Dallam and Denton.

Sec. 9. That the following counties

shall compose the Third supreme judicial district: El Paso, Jeff Davis, Presidio, Brewster, Foley, Pecos, Buchel, Crane, Upton, Crockett, Val Verde, Glasscock, Tom Green, Schleicher, Sutton, Edwards, Kinney, Maverick, Webb, Dimmit, Zavala, Uvalde, Mitchell, Nolan, Runnels, Coleman, Concho, McCulloch, Menard, Kimble, Kerr, Mason, Gillespie, Bandera, Medina, Kendall, Comal, Frio, LaSalle, McMullen, Duval, Encinal, Zapata, Blanco, Hays, Caldwell, Bastrop, Travis, Williamson, Burnet, Llano, San Saba, Lampasas, Mills and Brown.

Sec. 10. That the following counties shall compose the Fourth supreme judicial district: Lee, Burleson, Brazos, Milam, Bell, Falls, Robertson, Limestone, Freestone, Navarro, Ellis, Johnson, Hill, McLennan, Coryell, Bosque, Hamilton, Comanche, Erath, Eastland, Stephens, Callahan, Jones, Shackelford, Taylor and Somervell.

Sec. 11. The following counties shall compose the Fifth judicial district: Cook, Grayson, Collin, Dallas, Fannin, Hunt, Rockwall, Kaufman, Henderson, Van Zandt, Rains, Hopkins, Lamar, Red River, Franklin, Wood, Smith, Upshur, Camp, Titus, Bowie, Cass, Marion, Morris and Delta.

Sec. 12. That the terms of said courts shall commence on the first Monday in October of each year and may continue in session until the first Monday in July of each succeeding year.

Sec. 13. The courts of civil appeals as now organized shall, upon the organization of the new courts herein provided for, transfer to each of said courts respectively, all cases appealed from counties within the respective districts of said new courts in the same manner and way in which cases were transferred to said courts from the supreme court under the provisions of section 4 of the act of April 13, 1892.

Sec. 14. That the present judges of the court of civil appeals as now constituted shall continue in office until the expiration of their respective terms; provided that when the county of the residence of any such judge is placed in a new and different district by the provisions of this act, such judge is hereby transferred to the court of such new district, and shall hold and occupy the same position in such new court as he holds in the court as it now exists.

Sec. 15. That the first term of the court of civil appeals in the said

Fourth and Fifth supreme judicial districts shall be held as soon after this act goes into effect as is practicable for the said courts to organize.

Sec. 16. That immediately after this act shall take effect the Governor shall appoint suitable persons as chief justices and associate justices of the courts of civil appeals in and for each of the two new supreme judicial districts herein created, to-wit, Fourth and Fifth supreme judicial districts, who shall hold the respective offices until the next general election held for State and county offices, and until their successors shall be elected and qualified.

Sec. 17. That all laws and parts of laws in conflict with the provisions of this act be and are hereby repealed.

Pending the reading of the substitute bill, Senator Goss moved that the further reading of the same be suspended, the substitute be printed in the Journal of to-day, and that the Senate adjourn till to-morrow at 10 o'clock a. m.

Carried by the following vote:

YEAS—18.

Agnew,	Jester,
Atlee,	Kearby,
Boren,	McKinney,
Browning,	Presler,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker.

NAYS—11.

Baldwin,	Lewis,
Bowser,	Shelburne,
Crowley,	Simpson,
Dean,	Woods,
Imboden,	Yoakum.
Lawhon,	

ABSENT—2.

Cranford, McComb.

The Senate adjourned accordingly.

FORTY-SIXTH DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, March 4, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,

Boren,	Lewis,
Bowser,	McKinney.
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods.
Imboden,	Yoakum.

ABSENT—1.

McComb.

Prayer by the chaplain, Dr. Briggs, as follows:

O Lord our Father! Let Thy blessing fall upon the man who to-day takes the oath of office as President of the United States. We thank Thee for his patriotism and we praise Thee for his courage. Grant that his rule may be marked by so wise a statesmanship that its blessings may come alike to all the people, whether they dwell in the mansions of the rich or the cottages of the poor. Forget not the upright man and patriotic American citizen, who to-day lays down the greatest civic sceptre in all the world. Speak in tenderest music to one, who may put aside the burden of public cares, but can not put aside the bitter burden of personal bereavement. And to Thy great name be praise and honor, now and always. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Jester, the reading of the same was suspended.

On motion of Senator Atlee, the journal of yesterday was corrected to show that in the afternoon session action recurred on the substitute of Senator Cranford for the resolution of Senator Smith and the amendment thereto by Senator Atlee, relating to the number of new courts to be established, instead of being a substitute to substitute Senate bills Nos. 29, 36, 82, 126 and 128.

On motion of Senator Goss, the journal was corrected so as to show in section 6 of the bill that the supreme court at Dallas should be in the Fifth district.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 4, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 129, being "An act to